

1 RONALD J. TENPAS  
Assistant Attorney General  
2 Environment & Natural Resources Division  
3 MARTIN F. McDERMOTT (SBN 6183307 (IL))  
ROCHELLE L. RUSSELL (CA Bar No. 244992)  
4 Trial Attorneys  
U.S. Department of Justice  
5 Environment & Natural Resources Division  
Environmental Defense Section  
6 P.O. Box 23986  
Washington, D.C. 20026-3986  
7 Tel: (202) 514-1950  
Fax: (202) 514-8865  
8 Email: martin.mcdermott@usdoj.gov  
Email: rochelle.russell@usdoj.gov  
9 *Counsel for Defendants*

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11  
12 UNITED STATES DISTRICT COURT  
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

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16 SIERRA CLUB, GREAT BASIN  
RESOURCE WATCH, AMIGOS  
17 BRAVOS, and IDAHO CONSERVATION  
LEAGUE,

18 Plaintiffs,

19 v.

20 STEPHEN L. JOHNSON, Administrator,  
United States Environmental Protection  
21 Agency, and MARY E. PETERS, Secretary,  
22 United States Department of Transportation,

23 Defendants,

24 and

25 SUPERFUND SETTLEMENTS PROJECT,  
RCRA CORRECTIVE ACTION PROJECT,  
26 and AMERICAN PETROLEUM  
INSTITUTES,

27 Defendant-Intervenors.  
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Civil Case No. C 08-01409 WHA

**DEFENDANTS' RESPONSE TO  
PROPOSED INTERVENOR TREATED  
WOOD COUNCIL'S MOTION TO  
INTERVENE**

1 Defendants Stephen L. Johnson, as Administrator of the United States Environmental  
2 Protection Agency, and Mary E. Peters, as Secretary of the United States Department of  
3 Transportation, hereby state that they take no position in response to the Motion to Intervene  
4 filed by Proposed Intervenor Treated Wood Council, DE #59, except that Defendants do not  
5 accept any liability for fees or costs related to time spent on issues raised by Treated Wood  
6 Counsel as an Intervenor in this case.

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8 Respectfully submitted,

9 Dated: August 6, 2008

RONALD J. TENPAS  
Assistant Attorney General  
Environment & Natural Resources Division

10  
11 /s/ Rochelle L. Russell  
MARTIN F. McDERMOTT  
ROCHELLE L. RUSSELL  
Trial Attorneys  
U.S. Department of Justice  
Environmental Defense Section  
P.O. Box 23986  
Washington, D.C. 20026-3986  
12  
13  
14 *Counsel for Defendants*

15 Of Counsel:

16 MARY GLEAVES  
Office of General Counsel  
17 U.S. Environmental Protection Agency  
Pesticides and Toxic Substances Law Office  
18 Ariel Rios Building,  
1200 Pennsylvania Avenue, N.W.  
19 Washington, D.C. 20460

20 THOMAS F. MAHONEY  
Office of the General Counsel (C-30)  
21 Rm W 94-312  
U.S. Department of Transportation  
22 1200 New Jersey Ave., S.E.  
Washington, D.C. 20590  
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24  
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**CERTIFICATE OF SERVICE**

I certify that on August 6, 2008, a true and correct copy of the foregoing  
**DEFENDANTS' RESPONSE TO PROPOSED INTERVENOR TREATED WOOD**  
**COUNCIL'S MOTION TO INTERVENE** was served electronically via the Court's e-filing  
system to Counsel of Record.

/s/ Rochelle L. Russell  
ROCHELLE L. RUSSELL